

SUMMARY STATEMENT

Mortensen v. Baker, Docket No. 48492

This appeal arose from an allegation of medical malpractice. Jana Mortensen sought treatment from Dr. Jeffrey Baker at The Healing Sanctuary, LLC, after a hysterectomy failed to resolve symptoms for ongoing pelvic pain. Mortensen alleged that Dr. Baker prescribed a 14-day course of “ozone treatment” to be self-administered intravaginally at home. Mortensen allegedly breathed in ozone gas while administering the treatment, which she claimed caused her permanent pulmonary and cardiac injuries. Mortensen filed a complaint against Dr. Baker and The Healing Sanctuary (collectively “Dr. Baker”), claiming medical malpractice. Dr. Baker moved for summary judgment, arguing that Mortensen could not prove causation. The district court conditionally granted Dr. Baker’s motion for summary judgment after finding Mortensen had not raised a genuine issue of material fact; however, the court gave Mortensen a specified time to secure expert testimony on causation. Mortensen did not comply with the deadline. The district court entered summary judgment, denying Mortensen’s second request for additional time. The district court also denied her motion to reconsider. Mortensen timely appealed.

The Idaho Supreme Court reversed the district court’s decision granting summary judgment. The Court held that Mortensen’s declaration is admissible in part, because Mortensen can testify to her own personal observations and to statements made by Dr. Baker and his staff. The Court also held that Mortensen’s testimony provided a foundational basis for Dr. Amy Baruch’s opinion. Coupled with Dr. Baruch’s own education, experience, review of pertinent records, and Mortensen’s deposition testimony, Dr. Baruch was qualified to offer an opinion on causation.

******This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.******